

REMARKS

Reconsideration and withdrawal of the rejections set forth in the Office Action dated March 27, 2002 are respectfully requested. Claims 17-22 have been added by this amendment and, thus, claims 1-22 are currently pending in this application.

The applicant petitions the Commissioner for a two-month extension of time: A separate petition accompanies this amendment.

The Rejections

Claims 1-16 were rejected under 35 U.S.C. 103 as being unpatentable over Venkatraman et al (Venkatraman) in view of Kelly, U.S. Patent No. 6,092,104. The examiner indicated that Venkatraman was U.S. Patent No. 5,327,559. However, this is believed to be an error. Applicant believes that Venkatraman is patent number 6,014,688, and has responded to this Office Action based upon that assumption. For the reasons set forth below, Applicant respectfully traverses these rejections of the claims.

The Cited Art

Venkatraman teaches an email message enhancement apparatus that is preferably implemented through a sequence of program instructions. On the sender side, creation software implements a data format that allows for differing types of content, such as visual images, audio, multimedia, and functional attributes such as links to a sender's home page on the world wide web. Furthermore, in addition to such content in the email message, there is included header information, including the email address of the sender, and recipient executable embedded software that ensures the recipient will be able to view contents and perform the functional attributes that make up the email message. The enhanced content is attached to the email message as an email attachment, and a recipient manually opens or activates the attachment to

augment the performance of the email. The email attachment, when opened or closed, sends a return receipt to the sender.

Kelly teaches a method for capturing print images from a computer application software program and transmitting the images to an e-mail address specified by a user. The method includes the steps of detecting custom printer driver selection from the user; capturing the document using the custom printer driver; converting one or more pages of the document into one or more images using an interface; attaching one or more images to an e-mail message; displaying the e-mail message and allowing the e-mail message to be edited by the user, wherein editing includes specifying one or more addresses where the document is to be sent; and sending the e-mail message, and, optionally dialing and connecting to the Internet if necessary, prior to sending the document to the designated e-mail addresses.

The Cited Art Distinguished

The invention of Venkatraman is fundamentally different from the invention claimed by Applicant. With Venkatraman, a program, such as a Java program is attached to an email. As such, the invention of Venkatraman teaches the same form of program propagation as discussed in Applicant's Background of the Invention section. For example, on page 1, line 26 to page 2, line 2 of Applicant's specification:

"Electronic mail, or "e-mail", has become a popular way for people to communicate using networks of various types such as the Internet. Using e-mail, a person can send messages and other information as attachments electronically to other e-mail users. Such attachments normally include pictures, sound recordings, formatted documents, etc. that are in digital forms and which are executable independent of the opening and reading of the message included with the e-mail."

It is abundantly clear in Venkatraman that the program associated with the e-mail is an attachments. For example, in column 9, lines 15-23 of Venkatraman:

"The above example is intended to show how robust the enhanced e-mail message enhancement apparatus according to the present invention actually is. By being able to be sent as an attachment through E-mail, the appearance of the E-mail message can be enhanced at the

option of the sender, and the recipient will be ensured of being able to receive it in the intended form, since the executable recipient program instructions are preferably transmitted as part of the attachment."

No other embodiments are taught or suggested by Venkatraman other than the delivery of an e-mail enhancement by attaching it to an e-mail. Furthermore, there is no suggestion of the use of Java applets. Instead, Venkatraman teaches that a program (whether written in C++, Java, etc.) is created as an attachment which then resides and runs on the recipient's computer. This is fundamentally different from the operation of an applet, which is downloaded over a network and runs, in a transient fashion, on the recipient's computer.

In contrast, Applicant's invention initializes and automatically executes at least one application program (such as an applet) that is received, at least in part, over a network after the receipt and selection of the e-mail with which it is associated. This invention provides many advantages over the prior art solutions disclosed by Venkatraman and others. For one, the program only needs to be downloaded to the recipient computer when it is need (saving transmission bandwidth), and does not take up valuable computer storage. For another, the most recent version of the application program is provided to the user. Still further, Applicant's invention is safe, in that viruses, worms, etc. cannot be transmitted through applets. In fact, executable attachments such as those provided by Venkatraman are extremely dangerous, and can lead to the destruction of data on the computer system. Many network firewalls actually prevent the transmission of executable attachments such as those disclosed by Venkatraman for just this reason. Finally, attachments, such as the attachments of Venkatraman, cannot automatically execute. In fact, the major thrust of the Venkatraman invention is the notification to the sender, by means of a return receipt, that the recipient has opened and caused the execution of the e-mail attachment.

Kelly does not cure the deficiencies of Venkatraman in this regards. Neither Venkatraman, nor Kelly, individually or in combination, teach the combinations of independent claims 1, 15 and 16, which all include the delivery, at least in part, and automatic execution of an application program over a network as the result of the selection of an e-mail with which the

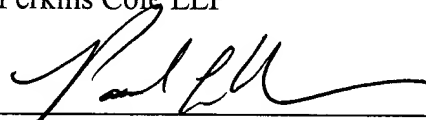
application program is associated. The dependent claims are also patentable over Venkatraman and Kelly for at least the same reasons as set forth with respect to independent claims 1, 15, and 16.

Conclusion

In view of the foregoing, the applicant submits that the claims pending in the application and patentably define over the art of record. A Notice of Allowance is therefore respectfully requested.

If in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is encouraged to call the undersigned at (650) 838-4443.

Respectfully submitted,
Perkins Coie LLP



Paul L. Hickman
Registration No.28,516

Date: 8-27-02

Correspondence Address:

Customer No. 22918
Perkins Coie LLP
P.O. Box 2168
Menlo Park, California 94026
(650) 838-4300

Currently Pending Claims including Markup in Changes and New Claims

1. (once amended) A method for [communicating via] executing an application program [included in] associated with an electronic message, comprising:

initializing at least one application program after a first electronic message received over a network is selected by a first user, wherein the application program is received, at least in part, [with] over the network after the receipt of the first electronic message and as the result of the selection by the first user, of the first electronic message[over a network]; and

automatically executing the application program of the first electronic message after the initialization thereof[, the execution of the application program including:

displaying text included with the first electronic message,

receiving input from the first user,

changing a non-textual aspect of the first electronic message based on the input from the first user,

allowing entry of text, and

sending the entered text and the application program over the network in a second electronic message to a second user].

2. The method as set forth in claim 1, wherein the first electronic message is selected by the first user by clicking thereon.

3. The method as set forth in claim 1, wherein the application program includes an applet.

4. (once amended) The method as set forth in claim 1, wherein the [execution] initialization of the application program includes retrieving code from a server over the network.

5. (once amended) The method as set forth in claim 1, wherein the execution of the application program includes a functionality based on [the] a text included with the first electronic message.

6. (once amended) The method as set forth in claim [5] 1, wherein the execution of the application program includes the display of streaming video over the network.

7. The method as set forth in claim 1, wherein the execution of the application program includes outputting an advertisement.

8. The method as set forth in claim 1, wherein the application program is executed on a network browser.

9. The method as set forth in claim 1, wherein the first electronic message is selected on an electronic mail browser.

10. (once amended) The method as set forth in claim 1, wherein the execution of the application program includes automatically linking to a site on the network upon selection of [the] an indicia.

11. (once amended) The method as set forth in claim 1, wherein the execution of the application program includes [retrieving an email server address from a computer of the first user for sending the entered text and the application program over the network in the] the ability to send a second electronic message over the network.

12. (once amended) The method as set forth in claim 1, wherein [the entered text includes an electronic mail address of the second user] the execution of the application program produces at least one of a pictorial, graphic, animated, video and audio display.

13. The method as set forth in claim 1, wherein the application program includes markup language which calls an object-oriented computer language.

14. The method as set forth in claim 13, wherein the object-oriented computer language includes an applet.

15. (once amended) A computer program embodied on a computer readable medium for [communicating via] executing an application program [included in] associated with an electronic message, comprising:

a first code segment at least partially within an electronic message for initializing at least one application program after the electronic message is received over a network and is selected by a user, wherein the application program is received, at least in part, over the network after the receipt of the electronic message and as the result of the selection by the user of the electronic message; and

a second code segment automatically executing the application program of the electronic

message after the initialization thereof.

[a code segment for initializing at least one application program after a first electronic message is selected by a first user, wherein the application program is received with the first electronic message over a network; and

a code segment for executing the application program of the first electronic message after the initialization thereof, the execution of the application program including:

displaying text included with the first electronic message,

receiving input from the first user,

changing a non-textual aspect of the first electronic message based on the input from the first user,

allowing entry of text, and

sending the entered text and the application program over the network in a second electronic message to a second user.]

16. (amended) An electronic message [for being accessed by an electronic mail browser executed on a computer,]comprising:

a data object including text that had been received over a network and stored on a computer having an electronic mail program; and

an application program object [adapted for being] initialized at least in part, by being received, at least in part, over the network after the [electronic message is selected using an electronic mail browser] receipt of the data object, the application program object being automatically executed on the computer after the initialization thereof[, the execution of the application program object including: displaying text of the data object, receiving input from a first user, changing a non-textual aspect of the first electronic message based on the input from the first user, allowing entry of text, and sending the entered text and the application program

object over the network in a second electronic message to a second user].

17.(new) An electronic message as recited in claim 16 wherein the application program object develops at least one of a pictorial, graphic, animated, video and audio display.

18.(new) An electronic message as recited in claim 17 wherein the at least one of the pictorial, graphic, animated, video and audio display is streamed to the application program over the network.

19. (new) A computer program embodied on a computer readable medium for executing an application program associated with an electronic message as recited in claim 15 wherein the first code segment and the second code segment reside, at least in part, in a browser software.

20. (new) A computer program embodied on a computer readable medium for executing an application program associated with an electronic message as recited in claim 19 wherein the browser software includes the functionality of running a Java applet.

21.(new) A computer program embodied on a computer readable medium for executing an application program associated with an electronic message as recited in claim 20 wherein the application program develops at least one of a pictorial, graphic, animated, video and audio display.

22.(new) A computer program embodied on a computer readable medium for executing an application program associated with an electronic message as recited in claim 21 wherein the at least one of the pictorial, graphic, animated, video and audio display is streamed to the application program over the network.